

MAUNE.RAICHLE.HARTLEY.FRENCH & MUDD, LLC

David L. Amell, Esq. (State Bar No. 227207)

Rabiah N. Oral, Esq. (State Bar No. 319905)

1900 Powell Street, Suite 200

Emeryville, California 94608

Telephone: (800) 358-5922

Facsimile: (314) 241-4838

damell@mrhfmlaw.com

roral@mrhfmlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**PROVISIONAL STIPULATION OF
DISMISSAL WITH PREJUDICE:
ROCKWELL AUTOMATION, INC.,
INDIVIDUALLY AND AS SUCCESSOR
IN INTEREST TO ALLEN BRADLEY,
CO., LLC, ALLEN-BRADLEY CO.,
ALLENBRADLEY CO., INC. and
ROSTONE CORPORATION; ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: September 9, 2024.

PROVISIONAL STIPULATION OF DISMISSAL WITH PREJUDICE: ROCKWELL AUTOMATION, INC.,
INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO ALLEN BRADLEY, CO., LLC, ALLEN-
BRADLEY CO., ALLENBRADLEY CO., INC. and ROSTONE CORPORATION [Case No. 4:22-cv-09058-HSG]

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and
4 ROCKWELL AUTOMATION, INC., INDIVIDUALLY AND AS SUCCESSOR IN
5 INTEREST TO ALLEN BRADLEY, CO., LLC, ALLEN-BRADLEY CO.,
6 ALLENBRADLEY CO., INC. and ROSTONE CORPORATION (“Defendant”) hereby
7 stipulate as follows:

8 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss
9 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda
10 Case No. 22CV021840.

11 2. On December 21, 2022, the above action was removed to the United States District
12 Court, Northern District of California, Case No. 4:22-09058.

13 3. On June 24, 2024, Plaintiffs and Defendant reached an agreement of all claims in this
14 action.

15 4. The terms of settlement are not yet perfected, but Plaintiffs and Defendant agree that
16 this matter should not be litigated due to the agreed-upon resolution.

17 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the
18 following:

19 This Court should conditionally dismiss this Action in its entirety against ROCKWELL
20 AUTOMATION, INC., INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO ALLEN
21 BRADLEY, CO., LLC, ALLEN-BRADLEY CO., ALLENBRADLEY CO., INC. and
22 ROSTONE CORPORATION, only, with prejudice. As the terms of settlement are not yet
23 perfected, this Court will retain jurisdiction over the matter for sixty (60) days.

24 DATED: September 12, 2024

Maune Raichle Hartley French & Mudd LLC

25 By: 
26 _____

Rabiah N. Oral

Attorney for Plaintiffs

1 DATED: September 12, 2024

TUCKER ELLIS LLP

2 By: /s/ Nicole E. Gage

3 Nicole E. Gage

4 Attorneys for ROCKWELL

5 AUTOMATION, INC., INDIVIDUALLY

6 AND AS SUCCESSOR IN INTEREST TO

7 ALLEN BRADLEY, CO., LLC, ALLEN-

8 BRADLEY CO., ALLENBRADLEY CO.,

9 INC. and ROSTONE CORPORATION

10 **LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER**
11 **PAPERS**

12 In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified
13 above, and on whose behalf the filing is submitted, concur in the filing's content and have
14 authorized the filing.

15 DATED: September 12, 2024

16 By: 

17 Rabiah N. Oral, Esq.

18 Attorney for Plaintiffs


ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that ROCKWELL AUTOMATION, INC., INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO ALLEN BRADLEY, CO., LLC, ALLEN-BRADLEY CO., ALLENBRADLEY CO., INC. and ROSTONE CORPORATION, only, is conditionally dismissed with prejudice from this Action in its entirety. Perfection of the terms of the settlement is to be completed within 60 days of this signed Order. The Court shall retain jurisdiction for 60 days from the date of this signed Order.

IT IS SO ORDERED.

DATED: 9/13/2024


Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE